THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18661 of 2006

Dated: 19-09-2006

Between:

A.P. Grama Panchayati Secretaries Service Association, Anantapur.

..... PETITIONER

AND

The Revenue Divisional Officer, Anantapur, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.18661 of 2006

ORDER:

The Andhra Pradesh Grama Panchayati Secretaries Service Association (the petitioner-association, for brevity), Anantapur District, represented by its President one P. Jayaram Reddy, filed the instant writ petition seeking a writ of Mandamus declaring the proceedings of respondent No.1 dated 30-12-2005 as illegal and arbitrary.

The brief facts of the matter are as follows. When the institution of Village Officers was in vogue in the State of Andhra Pradesh, the Village Officers Association, Anantapur, requested the District Collector for allotment of land for construction of building for the welfare of the Village Officers. The village officers association, Anantapur, allegedly constructed a building with four shops with an intention to lease out the shops for getting income to meet the day-to-day expenditure as well as the municipal taxes. After abolition of the institution of village officers, the said village officers association, Anantapur, allegedly continued its activities till 1992, when under the Government policy, the Panchayat Secretaries took over the administration at village level. The petitioner-association alleges that it succeeded the erstwhile village officers association as well as the building in Anantapur town. However, respondent No.1 issued the impugned order allegedly without issuing any notice directing resumption of the land and the building.

At the stage of admission itself, the learned Assistant Government Pleader for Revenue (General), was directed to get instructions in the matter. The learned Assistant Government Pleader for Revenue (General) has now produced the relevant file before this Court and also obtained instructions. He submits that the shops of the building constructed by the erstwhile village officers association was under the occupation of unauthorized persons. Then, the petitioner-association itself made representation on 10-08-2005 to the District Collector. As directed by the District Collector, the Revenue Divisional Officer (RDO) conducted enquiry and passed the impugned order to vacate the unauthorized persons including one M/s Bhaskar Wines and to resume the building to the Government.

The learned counsel for the petitioner-association stressed only the point that the impugned order passed by respondent No.1 without notice to the petitioner-association is illegal and arbitrary. After perusing the file, this Court is not able to accept the submission. On 10-08-2005, the petitioner-association represented by the then President, M. Mukundappa, made representation to the District Collector, Anantapur District. In the said representation, it was alleged that M/s Bhaskar Wines opened a shop in the building without any lease and without any permission and that the establishment of wine shop is causing

inconvenience to the persons visiting the petitioner-association building as well as the students of degree college situated at distance of 150 meters. The

petitioner-association also alleged that M/s Bhaskar Wines is resorting to loose sales and requested to evict the unauthorized occupant and handover possession to it. The said representation is the basis for respondent No.1 to conduct enquiry. As seen from the file, when the enquiry was conducted at the instance of the petitioner-association and notice was also issued to the person who allegedly executed unregistered lease in favour of M/s Bhaskar Wines, the petitioner-association cannot contend that no notice was issued. Secondly, by the impugned order respondent No.1 has not decided the right of the petitioner-association to succeed to the property which was admittedly developed by the erstwhile village officers association, which matter has to be decided separately. By the impugned order, respondent No.1 directed respondent No.2 to take possession of the building which is under the control of the unauthorized persons. The learned Assistant Government Pleader for Revenue (General) submits that pursuant to the impugned order passed nine months ago i.e., on 30-12-2005, due to interpersonal disputes among the members of the petitioner-association, the unauthorized occupants could not be removed. Indeed as pointed out by the learned Assistant Government Pleader for Revenue (General), when the impugned order was passed on 13-12-2005, the writ petition is filed before this Court after lapse of nine months with considerable delay. This is also one reason as to why the matter cannot be interfered by this Court.

The writ petition is, therefore, dismissed observing that if the petitioner-association claims to have succeeded to the properties, assets and liabilities of the erstwhile village officers association, they may make representation to the District Collector to hand over the building. The respondents shall immediately implement the impugned order and consider the request of the petitioner-association. No costs.

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(**V.V.S.RAO, J**)

19th September, 2006
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